

RICE & BRONITSKY
Paul E. Rice (State Bar No. 062509)
350 Cambridge Avenue, Suite 225
Palo Alto, CA 94306
Telephone: 650-289-9088
Facsimile: 650-289-9093
price@civlit.com

Attorneys for Plaintiff
STEVEN NERAYOFF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STEVEN NERAYOFF,

Plaintiff,

v.

RAGER, BELL, DOSKOCIL and MEYER,
BRAD DOSKOCIL,

Defendants.

Case No.: C-07-03101 JW

JOINT CASE MANAGEMENT
STATEMENT

Date: November 19, 2007

Time: 10:00 a.m.

Ctrm.: 8, 4th Floor

1. Jurisdiction and Service.

Pursuant to 28 USC § 1332, the Court has diversity jurisdiction over the claims in Plaintiff's Complaint. There are no issues of personal jurisdiction or service of process. Neither Defendant has yet filed a response to Plaintiff's Complaint. Pursuant to the Court's Order of November 2, 2007, Defendants have until December 9, 2007, to file their response.

2. Facts.

(a) Plaintiff's claim.

Plaintiff claims that Defendant Brad Daskocil ("Daskocil"), a CPA, who was an employee of Defendant Rager, Bell, Daskocil and Meyer ("Rager") did not meet the applicable standard of care with respect to an Internal Revenue Service audit of Plaintiff's income tax return.

(b) Defendants' Defenses.

1 Although Defendants have not yet filed a response to the Complaint, Defendants contend that
2 they met the applicable standard of care, and caused no damage.

3 **3. Legal Issues.**

4 See No. 2 above. The fact that the underlying IRS audit and related issues have not yet
5 resolved makes it difficult to assess liability and damages in the present case.

6 **4. Motions.**

7 No motions have been filed. Defendants anticipate filing a motion to change venue and
8 possibly a motion to dismiss. It is premature to anticipate what other motions may be filed.

9 **5. Amendment of Pleadings.**

10 Based upon information recently provided to Plaintiff by Defendants, Plaintiff anticipates
11 adding the firm of Rossi, Doscocil and Finklestein as a named Defendant.

12 **6. Evidence Preservation.**

13 Counsel have advised their respective clients to take all appropriate steps to preserve
14 evidence.

15 **7. Disclosure.**

16 Not applicable.

17 **8. Discovery.**

18 None.

19 **9. Class actions.**

20 Not applicable.

21 **10. Related cases.**

22 None specifically known, although Plaintiff may make a claim in the bankruptcy court
23 against Jenkins & Gilchrist, debtors.

24 **11. Relief sought.**

25 It is impossible for Plaintiff to compute the amount of his damages, as the IRS audit has not
26 been completed. However, Plaintiff anticipates that his damages will be in the millions of dollars.

27 **12. Settlement and ADR.**

28

1 The parties are unable to determine the prospects for settlement. It is premature to select an
2 appropriate ADR plan.

3 **13. Consent to Magistrate Judge for all purposes.**

4 The parties do not consent to referral to a magistrate judge for all purposes.

5 **14. Other references.**

6 This case does not appear to be suitable for other reference.

7 **15. Narrowing of issues.**

8 Although it is premature to determine this, the parties are open to an attempt to narrow issues.

9 **16. Expedited schedule.**

10 An expedited schedule is not appropriate.

11 **17. Scheduling.**

12 As Defendants have not yet filed a responsive pleading, and as Plaintiff intends to bring in a
13 new Defendant, it is premature to make such a determination. Plaintiffs have proposed a tolling
14 agreement and a dismissal of the case without prejudice. Defendants are assessing the
15 appropriateness of such.

16 **18. Trial.**

17 Plaintiff contends that the trial will take approximately seven to ten court days. Defendants
18 anticipate that the expected length of trial will be approximately seven to twenty-one court days,
19 depending upon the outcome of the underlying IRS audit and related matters.

20 **19. Disclosure of Non-party Interested Entities or Persons.**

21 As Plaintiff is an individual, no certification is required. Defendant Rager anticipates filing a
22 Certification contemporaneous with the filing of its responsive pleading.

23 **20. Other matters.**

24 No such matters are known at this time.

25 //

26 //

27 //

28 //

1 DATED: November 12, 2007

RICE & BRONITSKY

2
3 By: /s/ Paul E. Rice

4 Paul E. Rice

Attorney for Plaintiff Steven Nerayoff

5
6
7 DATED: November 12, 2007

CHAPMAN, GLUCKSMAN & DEAN

A Professional Corporation

8
9 By: /s/ Stephanie Sessions Perkins

10 Stephanie Sessions Perkins

11 Attorneys for Rager, Bell, Doskocil and Meyers and Brad
12 Doskocil, CPA

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
RICE & BRONITSKY
350 Cambridge Ave., Suite 225
Palo Alto, CA 94306
(650) 289-9088